

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

VICTOR TILLMAN,

Plaintiff,

CIVIL ACTION NO. 08-CV-13685-DT

vs.

DISTRICT JUDGE ARTHUR J. TARNOW

**DETROIT POLICE DEPARTMENT,
ELLA B. CUMMINGS, MARIO NEAL,
and TAMYRA L. HARRIS-HARDY,**

MAGISTRATE JUDGE MONA K. MAJZOUN

Defendants.

ORDER DENYING PLAINTIFF’S MOTION FOR DISCOVERY (DOCKET NO. 38)

This matter comes before the Court on Plaintiff’s Motion for Discovery. (Docket no. 38). Defendants have not responded to the motion and the time for responding has expired. All pretrial matters have been referred to the undersigned for action. (Docket no. 14). The Court dispenses with oral argument pursuant to E.D. Mich. LR 7.1(e). This motion is now ready for ruling pursuant to 28 U.S.C. § 636(b)(1)(A).

Plaintiff moves for an order requiring Defendant police officers Neal and Harris-Hardy to answer statements made in a “past stipulation request” and to hand over for trial all witness statements made on December 16, 2007. (Docket no. 38). Plaintiff does not allege or show in his motion that he made a proper discovery request pursuant to the Federal Rules of Civil Procedure. The motion also does not include a copy of the stipulation request which is the subject of the current motion.

This Court's Local rule 37.2 requires that any discovery motion filed pursuant to Federal Rule of Civil Procedure 26 through 37 include a verbatim recitation of the interrogatory, request, answer, response, and objection which is the subject of the motion or a copy of the actual discovery document which is the subject of the motion. E.D. Mich. LR 37.2. In addition, E.D. Mich. LR 7.1(a) requires a movant to seek concurrence from opposing counsel for the motion and state in the motion whether or not counsel conferred about the motion. Finally, Federal Rule of Civil Procedure 37(a)(1) requires a moving party to include in its motion to compel discovery a certification that the movant has conferred or sought to confer with opposing counsel to attempt to resolve the matter without court intervention.

The Court finds that Plaintiff's motion is defective for its failure to comply with the Federal Rules of Civil Procedure, and with this Court's Local Rules 37.2 and 7.1(a). Plaintiff's Motion for Discovery will therefore be denied.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Discovery (docket no. 38) is **DENIED.**

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of fourteen days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: June 8, 2010

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Opinion and Order was served upon Victor Tillman and
Counsel of Record on this date.

Dated: June 8, 2010

s/ Lisa C. Bartlett
Case Manager